IN RE: PETITION FOR VARIANCE NE/S of Bulls Sawmill Road, 500 feet NW of Bulls Sawmill Road 6th Election District 3rd Councilmanic District **(2318 Bulls Sawmill Road)** Steven Balter *Petitioner*	* * * * * *	BEFORE THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY CASE NO. 06-628-A

* * * * * * * * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Variance filed by the legal owner of the subject property, Steven Balter. The Petitioner is requesting variance relief for property located at 2318 Bulls Sawmill Road. Variance relief is requested from Section 427 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a residential 6 foot high occupancy fence in side yard and rear yard which adjoins the front yard of another lot where a 42 inch fence height is the maximum allowed.

The property was posted with Notice of Hearing on July 21, 2006, for 15 days prior to the hearing, in order to notify all interested citizens of the requested zoning relief and time and date of the public hearing. In addition, a Notice of Zoning hearing was published in "The Jeffersonian" newspaper on July 25, 2006 to notify any interested persons of the scheduled hearing date and relief requested.

ORDER RECEIVED FOR FILING
Date 8-18-06
By

Applicable Law

Section 307 of the B.C.Z.R. – ***Variances***.

"The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict

compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted as a result of any such grant of a variance from height or area regulations. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking or sign regulations, and only in such manner as to grant relief without injury to the public health, safety and general welfare. They shall have no power to grant any other variances. Before granting any variance, the Zoning Commissioner shall require public notice to be given and shall hold a public hearing upon any application for a variance in the same manner as in the case of a petition for reclassification. Any order by the Zoning Commissioner or the County Board of Appeals granting a variance shall contain a finding of fact setting forth and specifying the reason or reasons for making such variance."

Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: None.

Interested Persons

Appearing at the hearing on behalf of the variance request were James Hays and Steven Balter, Petitioner. James Minter appeared in opposition to the request at the hearing. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

Testimony and Evidence

Testimony and evidence indicated that the Petitioner's property contains 3.64 acres zoned RC 8 and is improved by the Petitioner's home. The Petitioner would like to erect a 6 foot privacy fence as shown on Petitioner's exhibit 1. The proposed fence would be erected along the Petitioner's boundary with the adjacent Minter property and since the Minter residence sits at an angle to the common property line, the proposed fence would then be located in the front yard of the Minter home. Fences in such

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locations are limited to 42 inches in height. The Petitioner would like to erect a board on board fence 72 inches high thus the request for variance.

The Petitioner presented extensive photographs of his home and lot in Petitioner's exhibit 2 which included several photographs of the wooded area between the Minter and Petitioner's home. The Petitioner testified that he expended substantial money to landscape the area on his lot along the common boundary and also recently erected a 42 inch chain link fence with the intent to provide privacy for his home and patio which is located in the rear of his home. He expressed concern that his neighbor could still see into the private rooms of his home and patio in spite of his efforts to date to assure privacy with plantings and landscaping. Finally he indicated that in addition to the patio in the rear he may also want a swimming pool and/or hot tub in the yard in the future.

Mr. Minter he indicated that his house is 200 feet from the common boundary line, that the common boundary is heavily wooded, that the Petitioner's is slightly higher than the Minter house and the 6 foot high fence is unneeded and unwanted by the Minters. He also noted the Minters own a lot farther back along the common boundary which he may sell or develop in the future and that the 6 foot fence would adversely affect the value of the rear lot. He said that he planted 33 Leyland Cypress trees in the area between the houses which results in the Petitioner's home not being visible for most of the year. Finally he opined that no house in the neighborhood has a 6 foot high fence.

In rebuttal the Petitioner presented an aerial photograph of the two homes as Petitioner's exhibit 3, recounted incidents with complaints to the Police Department, noted prior disagreements with the Minters about dogs and indicated his need for stress free peace at home. Finally he testified that he recently saw a man walking along the

8-18-06

In the subject case the Minter house is at an angle with respect to the common boundary between homes and so any fence erected along the common boundary will violate the letter but not the intent of the law. A fence along the common boundary will not cause a safety hazard as can be seen by examining Petitioner's exhibit 1. The Minters have a circular driveway. There is no oncoming traffic.

It is also clear that the area on the Minter's side of the boundary is wooded. The Petitioner's extensive landscaping on his side of the boundary is shown by the Petitioner's photographs which barely show the Minter house. These photographs were taken when the full tree foliage was evident. I have no reason to doubt that the Petitioner's view of the Minter home would be increased during the winter months or at night. Of course the Minter's view of the Petitioner's house would similarly be increased.

However I do not believe the real problem is the Petitioner's concern the Minters will sit on their front porch and look over to the Petitioner' property through the woods between homes. The Petitioner seemed most concerned about someone walking to the common boundary and looking into his home or rear yard. Why this concerns the Petitioner is not so clear but his discomfort about this possibility is quite genuine.

On the other hand the Minters object to the proposed fence for many reasons and point out there are no such fences in this neighborhood of large homes and lots. One could argue the proposed fence would change the character of the neighborhood.

Considering all the testimony and evidence presented, it seems to me that the Minters arguments the fence is not needed because of the woods and foliage between homes, also is a reason the fence will all but be invisible to the Minters and anyone

FOR FILING
8-18-06

purchasing the Minters' rear lot. I see little detriment to the Minters if the fence is erected exactly because of the woods and foliage. On the other hand the Petitioner believes the privacy fence will enhance his use of his property.

Consequently I find special circumstances or conditions exist which make the property unique from a zoning perspective. The impact of the fence regulations fall on the Petitioner disproportionately as compared to the impact on other properties in the area. The Minters' house is situated at an angle to the common boundary between lots and so triggers the regulation.

I further find that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. The Petitioner would not be able to achieve the privacy he desires for his property.

Finally, I find this variance can be granted in strict harmony with the spirit and intent of said regulations, and in such manner as to grant relief without injury to the public health, safety and general welfare. Again I do not see any substantial detriment to the Minters if the fence is erected because of the dense woods on their property.

Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered by the Petitioners, I find that the Petitioners' variance request should be granted.

THEREFORE, IT IS ORDERED, this 18th day of August, 2006, by this Deputy Zoning Commissioner, that the Petitioners' request for variance from Section 427 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a residential 6 foot high occupancy fence in side yard and rear yard which adjoins the front yard of another lot

ORDER RECEIVED FOR FILING
Date 8-18-06
By

where a 42 inch fence height is the maximum allowed be and is hereby GRANTED subject to the following condition:

1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

Any appeal of this decision must be made within thirty (30) days of the date of this Order.

John V. Murphy

JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:pz

ORDER RECEIVED FOR FILING
Date 5-18-96
By B

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

August 18, 2006

STEVEN D. BALTER
2318 BULLS SAWMILL ROAD
FREELAND MD 21053

Re: Petition for Variance
Case No. 06-628-A
Property: 2318 Bulls Sawmill Road

Dear Mr. Balter:

Enclosed please find the decision rendered in the above-captioned case. The petition for variance has been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

John V. Murphy

John V. Murphy
Deputy Zoning Commissioner

JVM:pz

Enclosure

c James Hays
James Minter

8-18-06

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 2318 BULLS SAWMILL ROAD
which is presently zoned RC 8 (Vested RDP)

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 427.1 (BCZR) TO PERMIT A RESIDENTIAL (6 FT. HIGH) OCCUPANCY FENCE IN SIDE AND REAR YARD WHICH ADJOINS THE FRONT YARD OF ANOTHER LOT WHERE A 42 INCH FENCE HEIGHT IS THE MAXIMUM ALLOWED.

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

TO BE PRESENTED AT HEARING

Property is to be posted and advertised as prescribed by the zoning regulations.
I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address Telephone No.

City State Zip Code

Legal Owner(s):

Steven Balter
Name - Type or Print

Steven Balter
Signature

Name - Type or Print

Signature

2318 BULLS SAWMILL RD 4103298159
Address Telephone No.

Freeland MD 21053
City State Zip Code

Representative to be Contacted:

Name

Address Telephone No.

City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Case No. 06-628-A

8/14/06 **Reviewed By** JNP **Date** 6/7/06

REV 9/15/98

Zoning Description for 2318 Bulls Sawmill Road

Beginning at a point on the northeast side of Bulls Sawmill Road which is 15 feet wide at a distance of 500 feet northwest of the centerline of Bulls Sawmill Road, thence: (1)-North 15 degrees 47 minutes 35 seconds west 200.87 feet to a point, thence (2)-North 68 degrees 52 minutes 37 seconds west 813.15 feet to an iron pin, thence (3)-South 17 degrees 48 minutes 17 seconds east 220.42 feet, thence (4)-South 75 degrees 16 minutes 45 seconds west 200.28 feet to a point, thence (5)-South 68 degrees 06 minutes 32 seconds west 170.12 feet to a point, thence (6)-South 68 degrees 52 minutes 37 seconds west 449.91 feet to a point on or near the center line of Bulls Sawmill Road to the Point of Beginning. Containing 3.786 acres of land more or less. The improvements thereon being known 2318 Bulls Sawmill Road. As record in Deed Liber 6302, folio 624 and being Lot No. 1 as recorded in Baltimore County Plat Book #39, folio 125, containing 3.64 ac.

06-628-A

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. [illegible]

DATE 6/20/08 ACCOUNT R-001-006-2150

AMOUNT $ 65.00

RECEIVED FROM: [illegible]

FOR: Variance - 2313 Bull Farrell Road
DK-638-A (Dolter)

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT
[illegible]
CASHIER'S VALIDATION

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: # 06-628-A
2318 Bulls Sawmill Road
Northeast side of Bulls Sawmill Road, 500 feet northwest of Bulls Sawmill Road
6th Election District — 3rd Councilmanic District
Legal Owner(s): Steven Balter

Variance: to permit a residential 6-foot high occupancy fence in side and rear yard which adjoins the front yard of another lot where a 42-inch fench height is the maximum allowed.

Hearing: Tuesday, August 8, 2006 at 10:00 a.m. in *Room 106, County Office Building,* 111 West Chesapeake Avenue, Towson 21204.

WILLIAM J. WISEMAN, III
Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-3868.
(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

JT 7/725 July 25 103110

CERTIFICATE OF PUBLICATION

7/27/, 2006

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 7/25/, 2006.

- [x] The Jeffersonian
- [ ] Arbutus Times
- [ ] Catonsville Times
- [ ] Towson Times
- [ ] Owings Mills Times
- [ ] NE Booster/Reporter
- [ ] North County News

S. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

Baltimore County Dept. of Permits &
Development Management
111 W. Chesapeake Avenue, Rm. 111
Towson, MD 21204

Date: July 24, 2006

Attention: Mrs. Kristen Matthews

MAI Job No. : 06-

RE: Case Number: 06-628-A

Petitioner/Developer: Steven Balter

Date of Hearing/Closing:

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at # 2318 Bulls Sawmill Road

The sign(s) were posted on July 21 , 2006

(Month, Day, Year)

(Signature of Sign Poster)

William D. Gulick, Jr.
(Printed Name of Sign Poster)

McKee and Associates, Inc.
5 Shawan Road, Suite 1
(Street Address of Sign Poster)

Cockeysville, MD 21030
(City, State, Zip Code of Sign Poster)

(410) 527-1555
(Telephone Number of Sign Poster)

SEE
ATTACH PHOTOGRAPH OF SIGN POSTED ON PROPERTY

Revised 3/1/01 - SCJ

ING NOTICE

06-628-A

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD

COUNTY OFFICE BUILDING
CHESAPEAKE AVE. ROOM 106
TOWSON, MD 21204

DATE AND TIME: TUESDAY AUG. 8, 2006 @10:00 AM

REQUEST: VARIANCE

TO PERMIT A RESIDENTIAL 6-FOOT HIGH OCCUPANCY FENCE IN SIDE AND REAR YARD WHICH ADJOINS THE FRONT YARD OF ANOTHER LOT WHERE 42-INCH FENCE HEIGHT IS THE MAXIMUM ALLOWED.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING, UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

07/21/2006

ZONING
97 21 2006

TO: PATUXENT PUBLISHING COMPANY
Tuesday, July 25, 2006 Issue - Jeffersonian

Please forward billing to:
Steven Balter
2318 Bulls Sawmill Road
Freeland, MD 21053

410-329-8159

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 06-628-A
2318 Bulls Sawmill Road
Northeast side of Bulls Sawmill Road, 500 feet northwest of Bulls Sawmill Road
6th Election District – 3rd Councilmanic District
Legal Owners: Steven Balter

Variance to permit a residential 6-foot high occupancy fence in side and rear yard which adjoins the front yard of another lot where a 42-inch fence height is the maximum allowed.

Hearing: ~~Friday~~ Tuesday, August 8, 2006 at 10:00 a.m. in Room 106, County Office Building, 111 West Chesapeake Avenue, Towson 21204

WILLIAM J. WISEMAN III
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

Department of Permits and Development Management

Director's Office
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204
Tel: 410-887-3353 • Fax: 410-887-5708

Baltimore County

James T Smith, Jr., County Executive
Timothy M Kotroco, Director

June 19, 2006

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 06-628-A
2318 Bulls Sawmill Road
Northeast side of Bulls Sawmill Road, 500 feet northwest of Bulls Sawmill Road
6th Election District – 3rd Councilmanic District
Legal Owners: Steven Balter

Variance to permit a residential 6-foot high occupancy fence in side and rear yard which adjoins the front yard of another lot where a 42-inch fence height is the maximum allowed.

Hearing: ~~Friday~~ Tuesday, August 8, 2006 at 10:00 a.m. in Room 106, County Office Building, 111 West Chesapeake Avenue, Towson 21204

Timothy Kotroco

Timothy Kotroco
Director

TK:klm

C: Steven Balter, 2318 Bulls Sawmill Road, Freeland 21053

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, JULY 24, 2006.**
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 06-628-A

Petitioner: BALTER

Address or Location: 2318 BULLS SAWMILL ROAD

PLEASE FORWARD ADVERTISING BILL TO:

Name: Steven Balter

Address: 2318 Bulls Sawmill Road
Freeland, MD 21053

Telephone Number: 410-329-8159

Revised 7/11/05 - SCJ

BALTIMORE COUNTY

MARYLAND

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and Development Management

August 2, 2006

Steven Balter
2318 Bulls Sawmill Road
Freeland, MD 21053

Dear Mr. Balter:

RE: Case Number: 06-628-A, 2318 Bulls Sawmill Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 7, 2006.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel

Baltimore County
Fire Department

Office of the Fire Marshal
700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4880

County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

June 20,2006

ATTENTION: Zoning Review Planners

Distribution Meeting Of: June 19, 2006

Item Numbers: Item Number 611,621,624-637, 639-643

Pursuant to your request, the referenced plan(s) have been reviewed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

1. The Fire Marshal's Office has no comments at this time.

Lieutenant Roland P Bosley Jr.
Fire Marshal's Office
410-887-4881 (C)443-829-2946
MS-1102F

cc: File

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits & Development Management

DATE: June 27, 2006

FROM: Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For June 21, 2006
Item Nos. 611, 621, 622, 623, 624, 626, 627, 628, 632, 633, 635, 636, 637, 640, 641, 642, and 643

The Bureau of Development Plans Review has reviewed the subject zoning items, and we have no comments.

DAK:CEN:clw
cc: File
ZAC-NO COMMENTS- 06272006.doc

Jm 8/8 10AM

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits and
Development Management

DATE: June 29, 2006

FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): **Case(s) 6-628- Variance**

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer.

For further questions or additional information concerning the matters stated herein, please contact Bill Hughey in the Office of Planning at 410-887-3480.

Prepared By: Curtis Murray

Division Chief: Lyn Lanham

CM/LL

RECEIVED
JUN 29 2006
ZONING COMMISSIONER

W \DEVREV\ZAC\6-628 doc

Robert L. Ehrlich, Jr., *Governor*
Michael S. Steele, *Lt. Governor*

SHA
State Highway Administration
Driven to Excel

Robert L. Flanagan, *Secretary*
Neil J. Pedersen, *Administrator*

Maryland Department of Transportation

Date: 6·20·06

Ms. Kristen Matthews
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 628 JAP

Dear. Ms. Matthews:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

L. T. Gredlein

Steven D. Foster, Chief
Engineering Access Permits Division

RE:	PETITION FOR VARIANCE 2318 Bulls Sawmill Road; NE/S Bulls Sawmill Road, 500' NW Bulls Sawmill Road* 6th Election & 3rd Councilmanic Districts Legal Owner(s): Steven Balter Petitioner(s)	* *	BEFORE THE ZONING COMMISSIONER FOR
		*	BALTIMORE COUNTY
		*	06-628-A

* * * * * * * * * * * * *

ENTRY OF APPEARANCE

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all documentation filed in the case.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 26th day of June, 2006, a copy of the foregoing Entry of Appearance was mailed to, Steven Balter, 2318 Bulls Sawmill Road, Freeland, MD 21053, Petitioner(s).

RECEIVED
JUN 26 2006
Per SA

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

PLEASE PRINT CLEARLY

CASE NAME_____
CASE NUMBER_____
DATE_____

CITIZEN'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
JAMES B. MINTER	2320 BOLLS SAWMILL RD	FREELAND MD 21053	

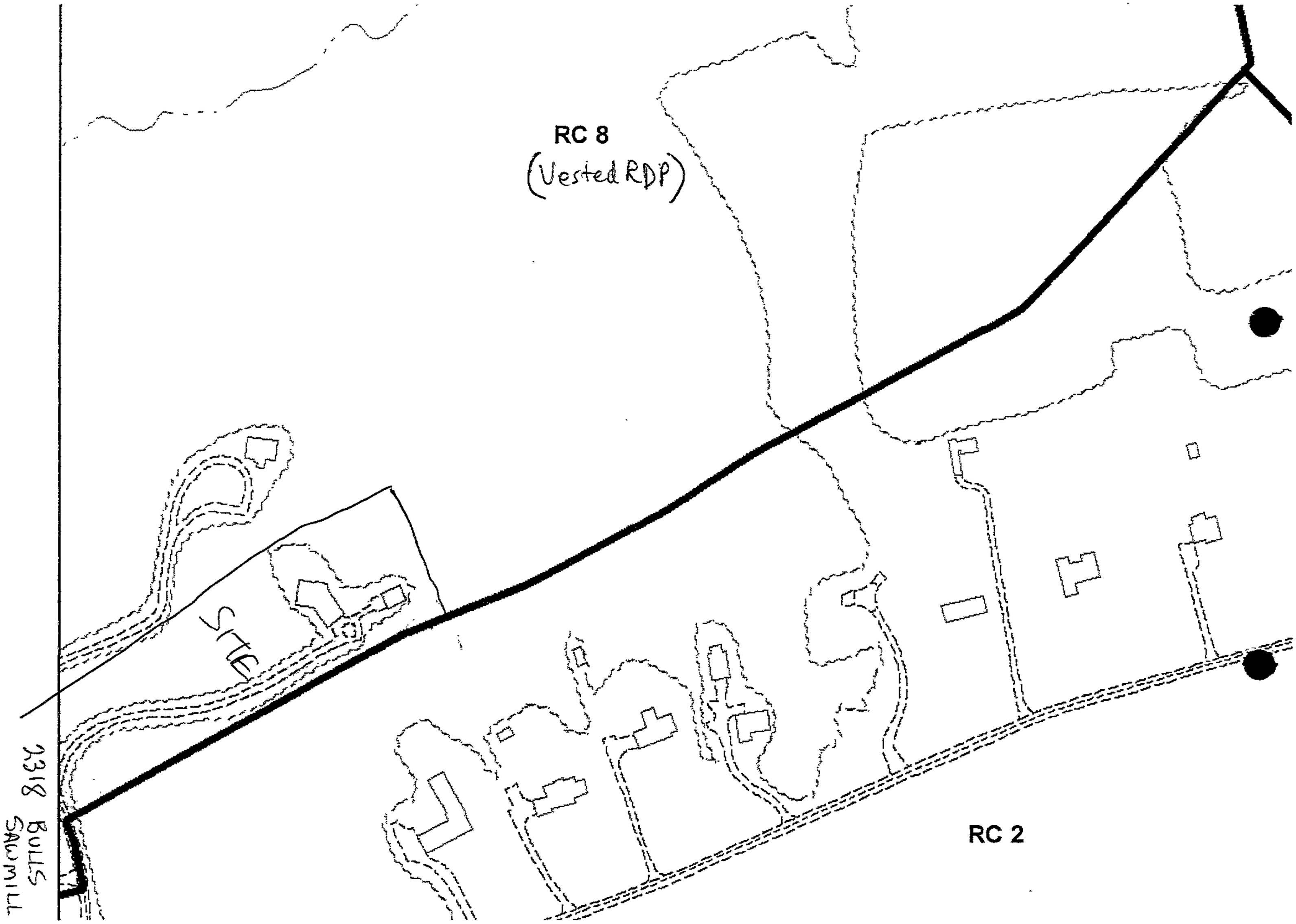
PLEASE PRINT CLEARLY

CASE NAME Steven Balter
CASE NUMBER 06-428-A
DATE August 8 2006

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
Steven D. Balter	2318 BULLS SAWMILL RD	Freeland, MD 21053	SDBFreeland@aol.com
JAMES W. HAYS	2318 BULLS SAWMILL RD	FREELAND, MD 21053	jwilliamhays@aol.com.

ZONING MAP - 011DL

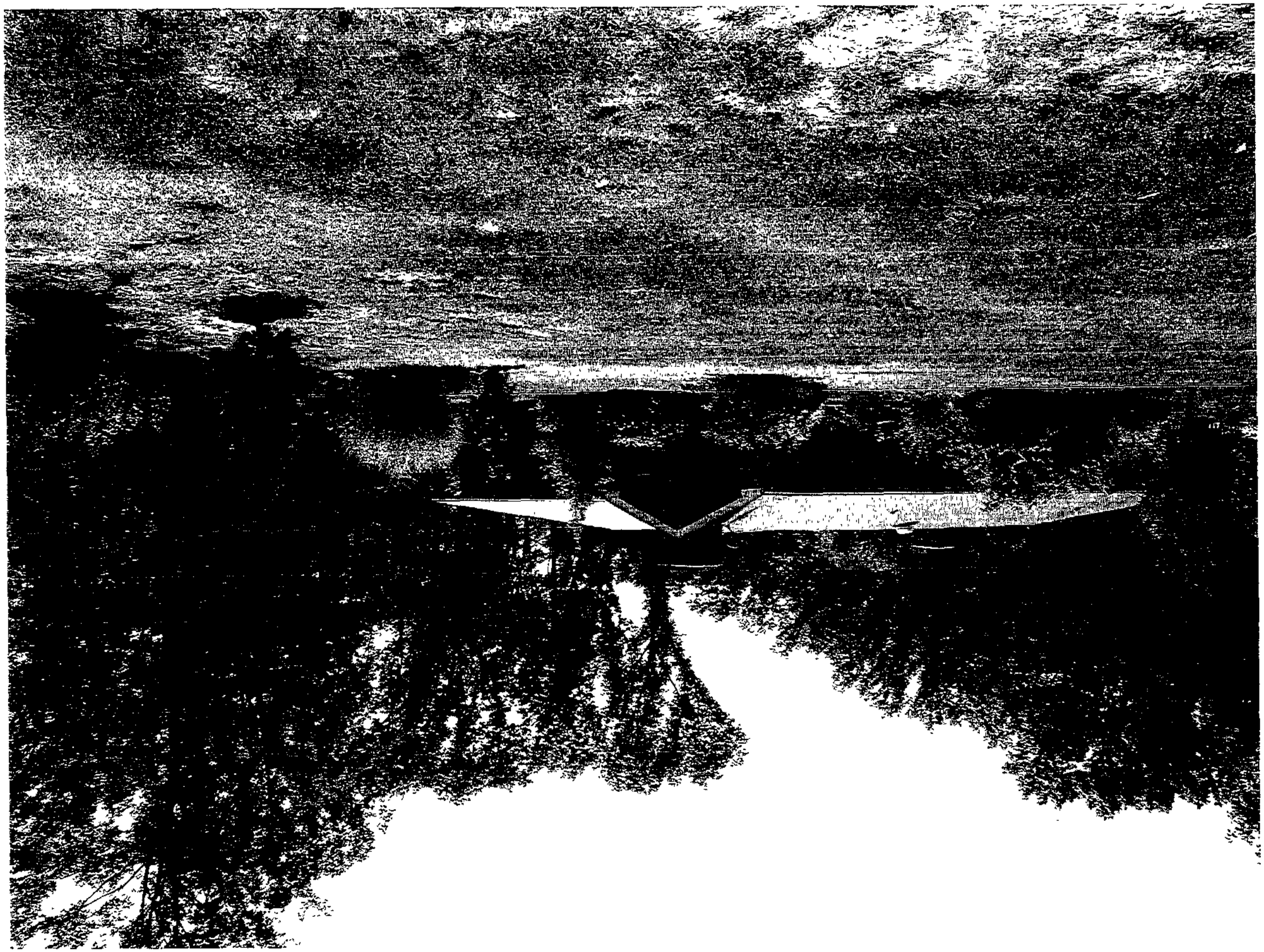


06-628-A

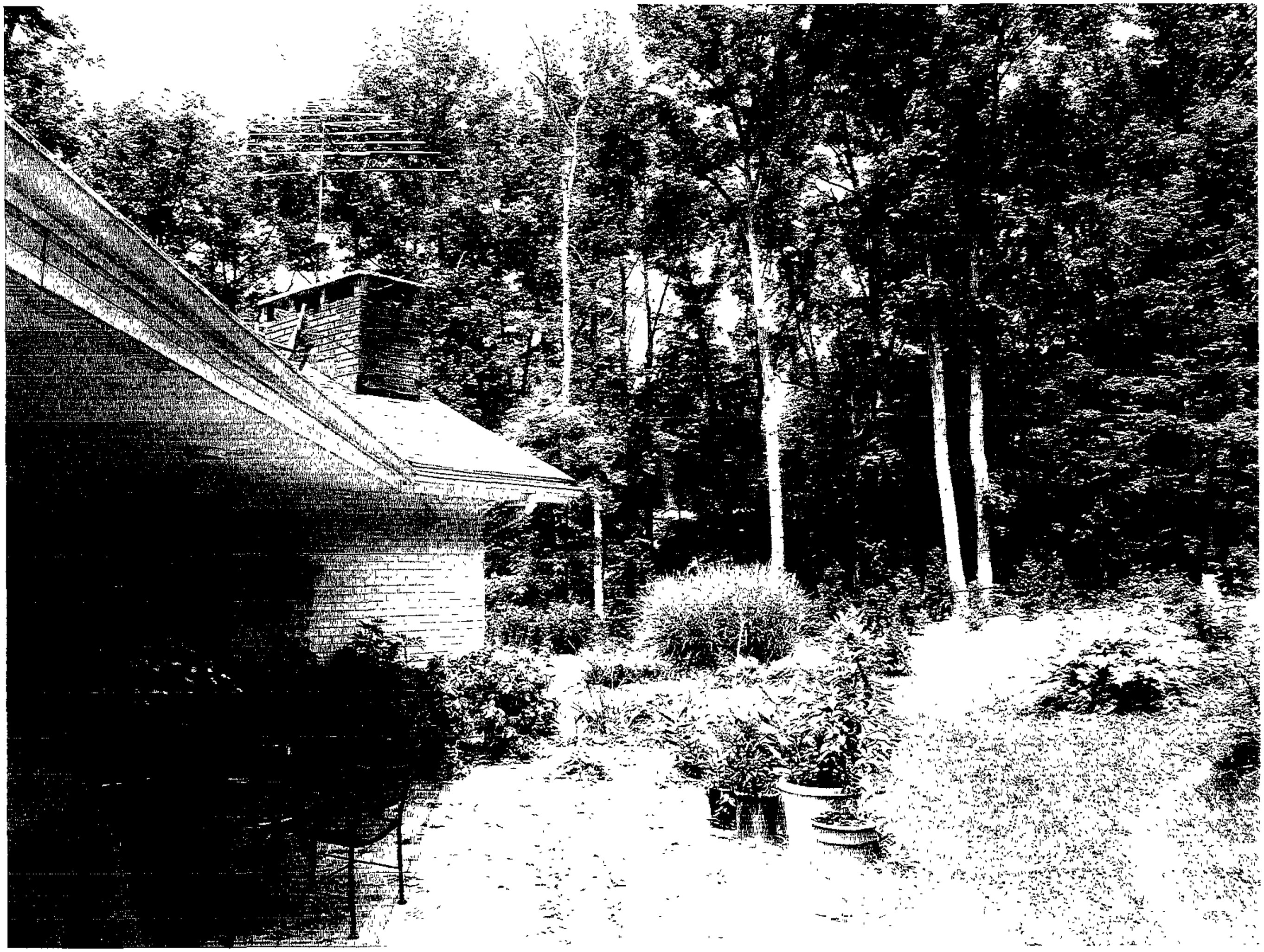
Pet 2A

Pet 2R

2C



Rear yard



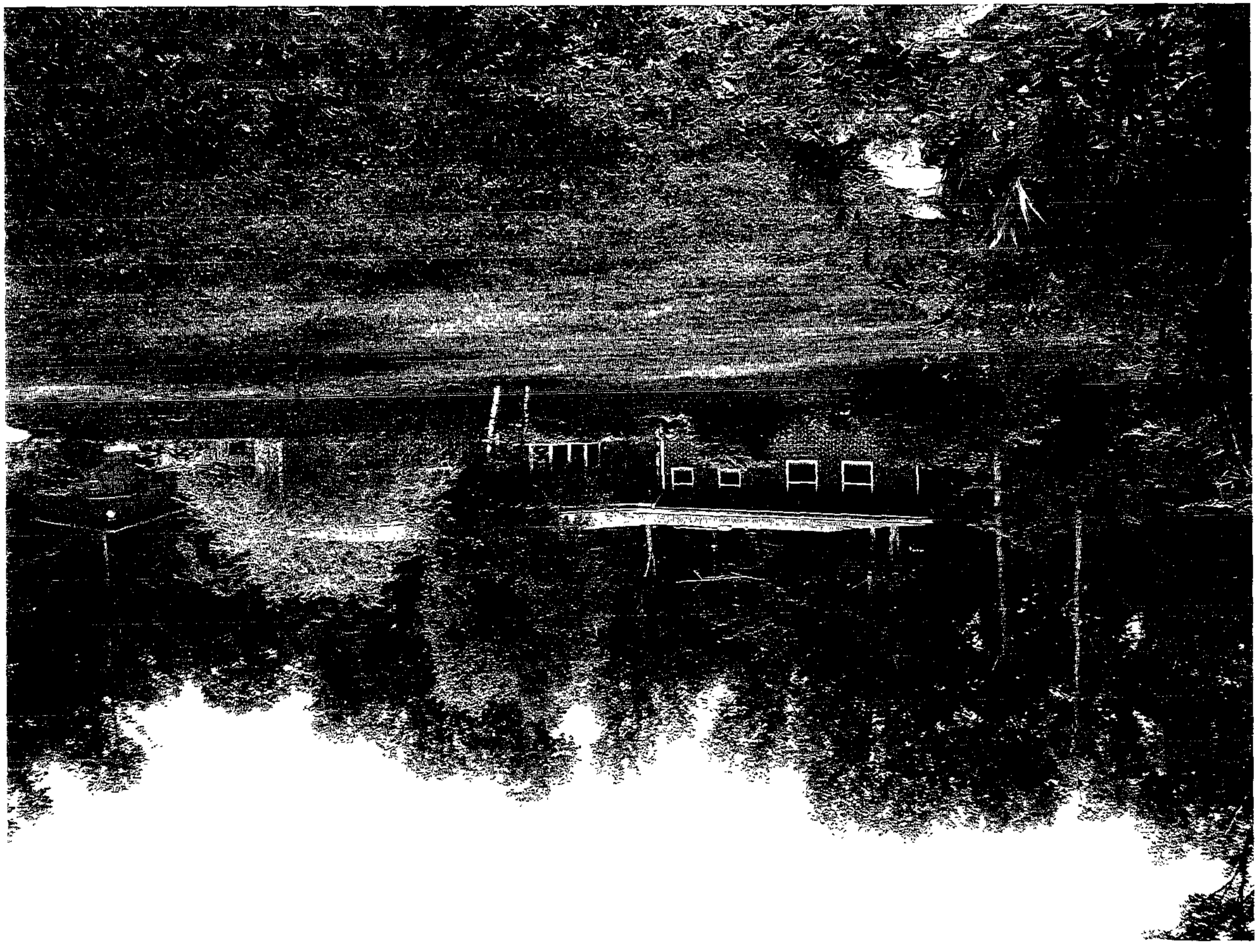
Living Rm

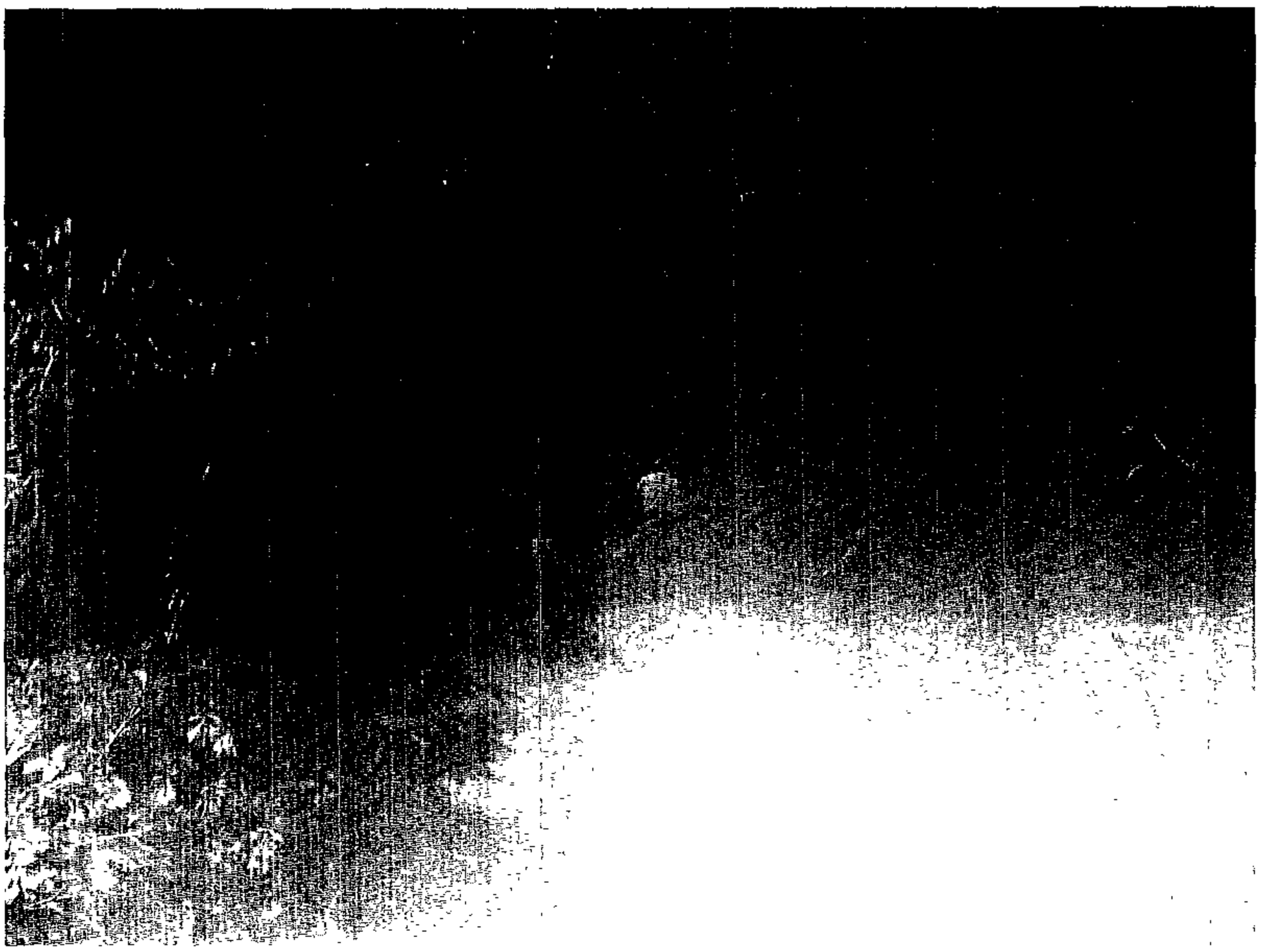
Living Room

24

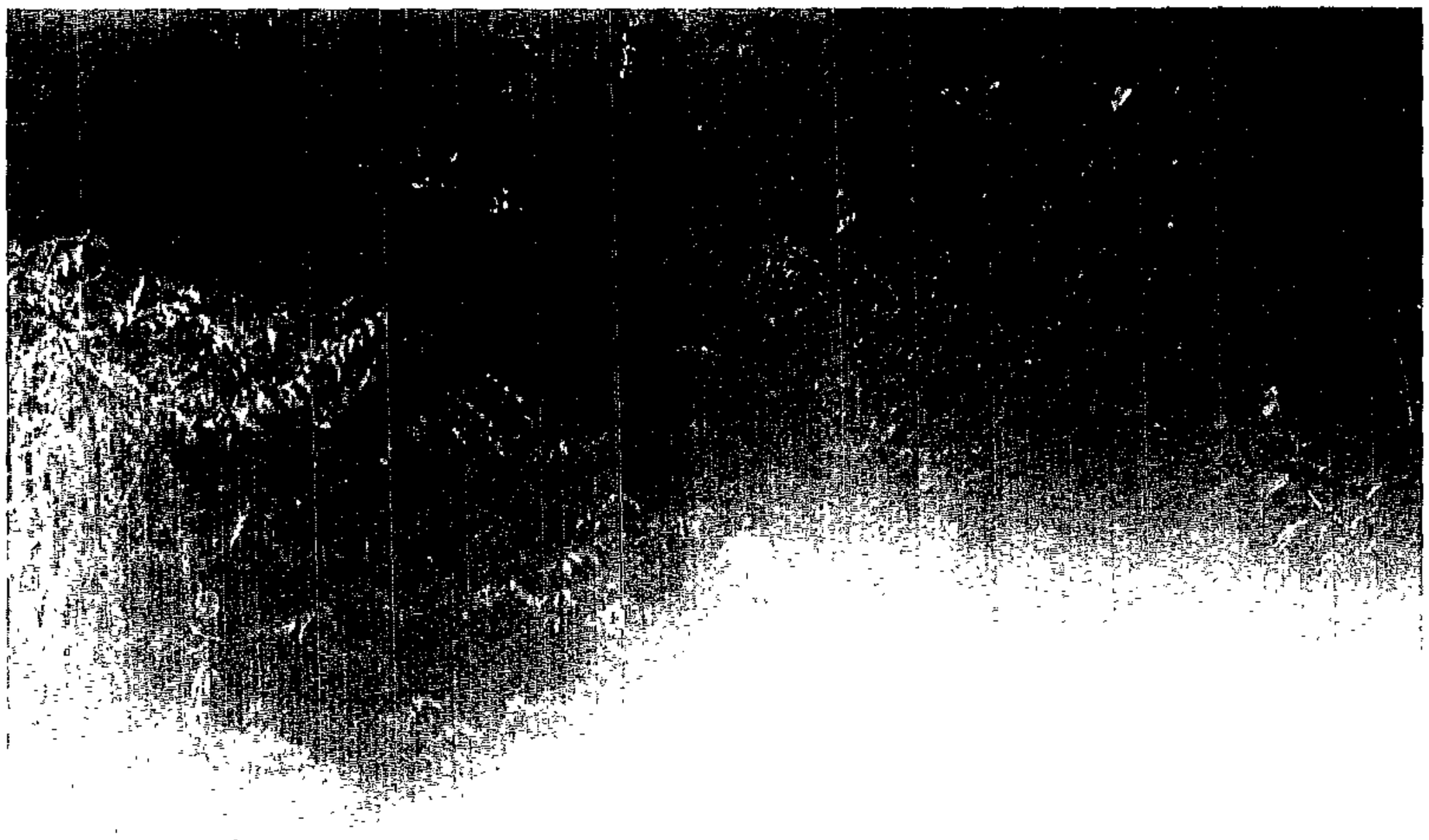
2 I

2)

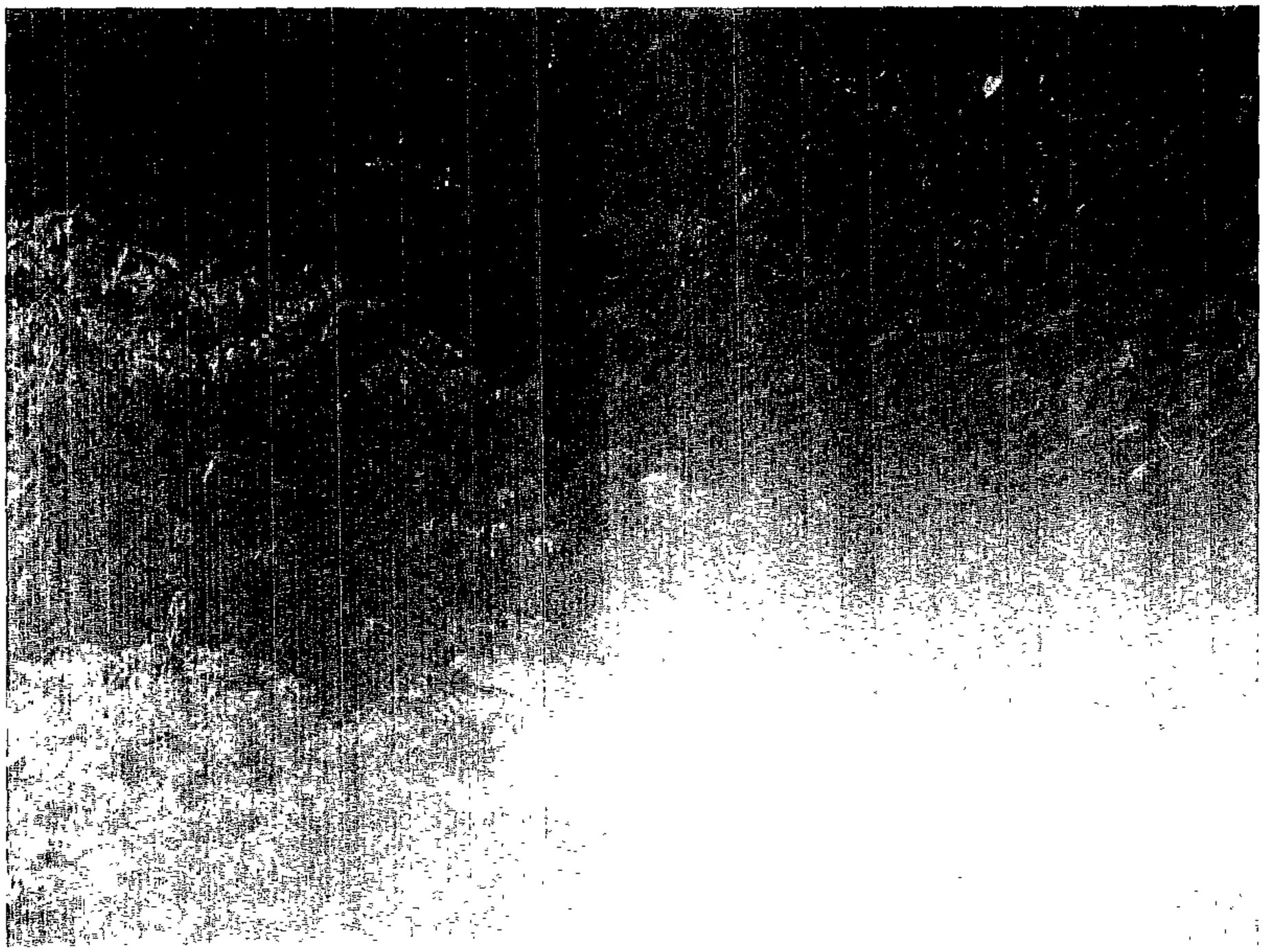


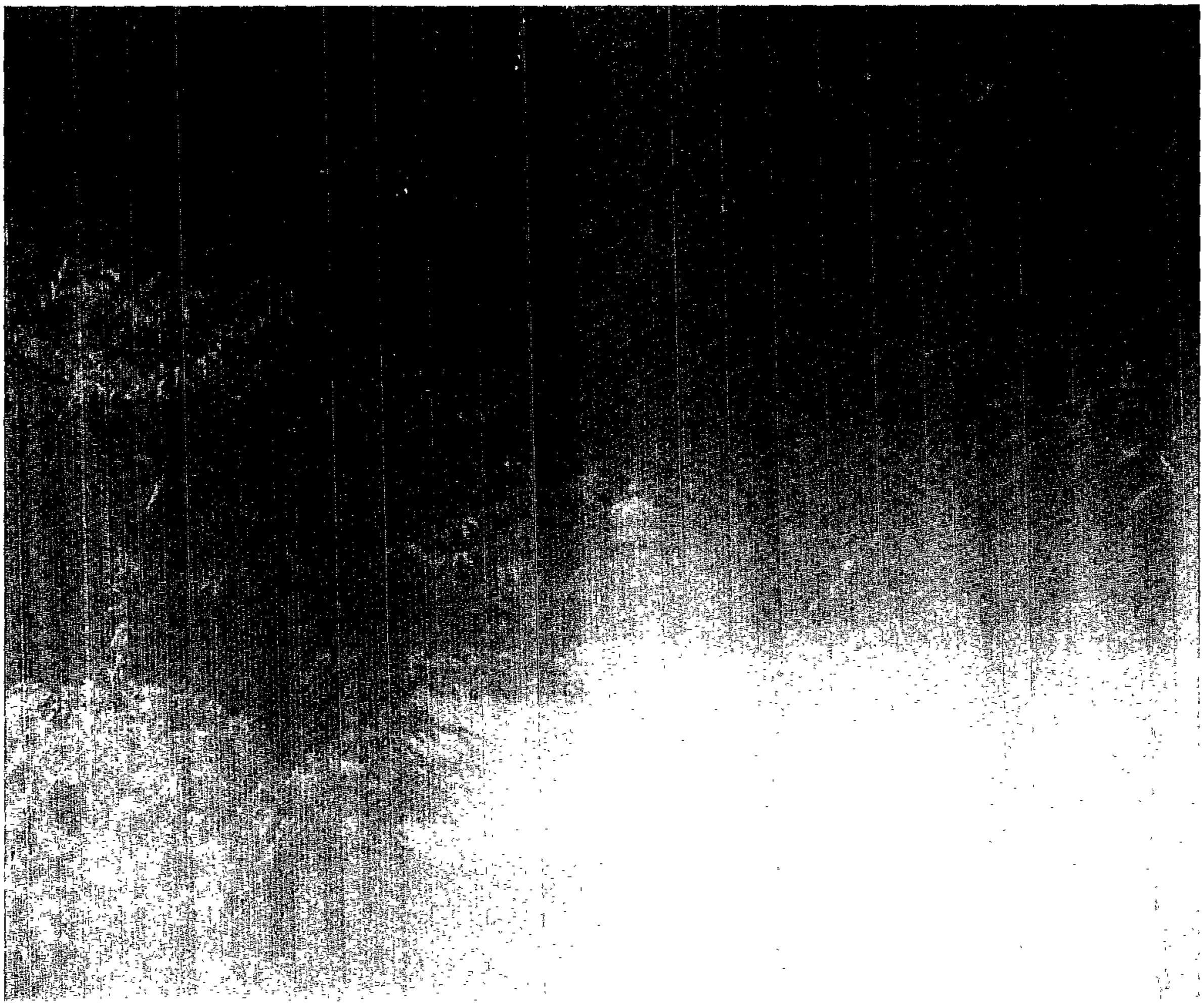


Pit #4



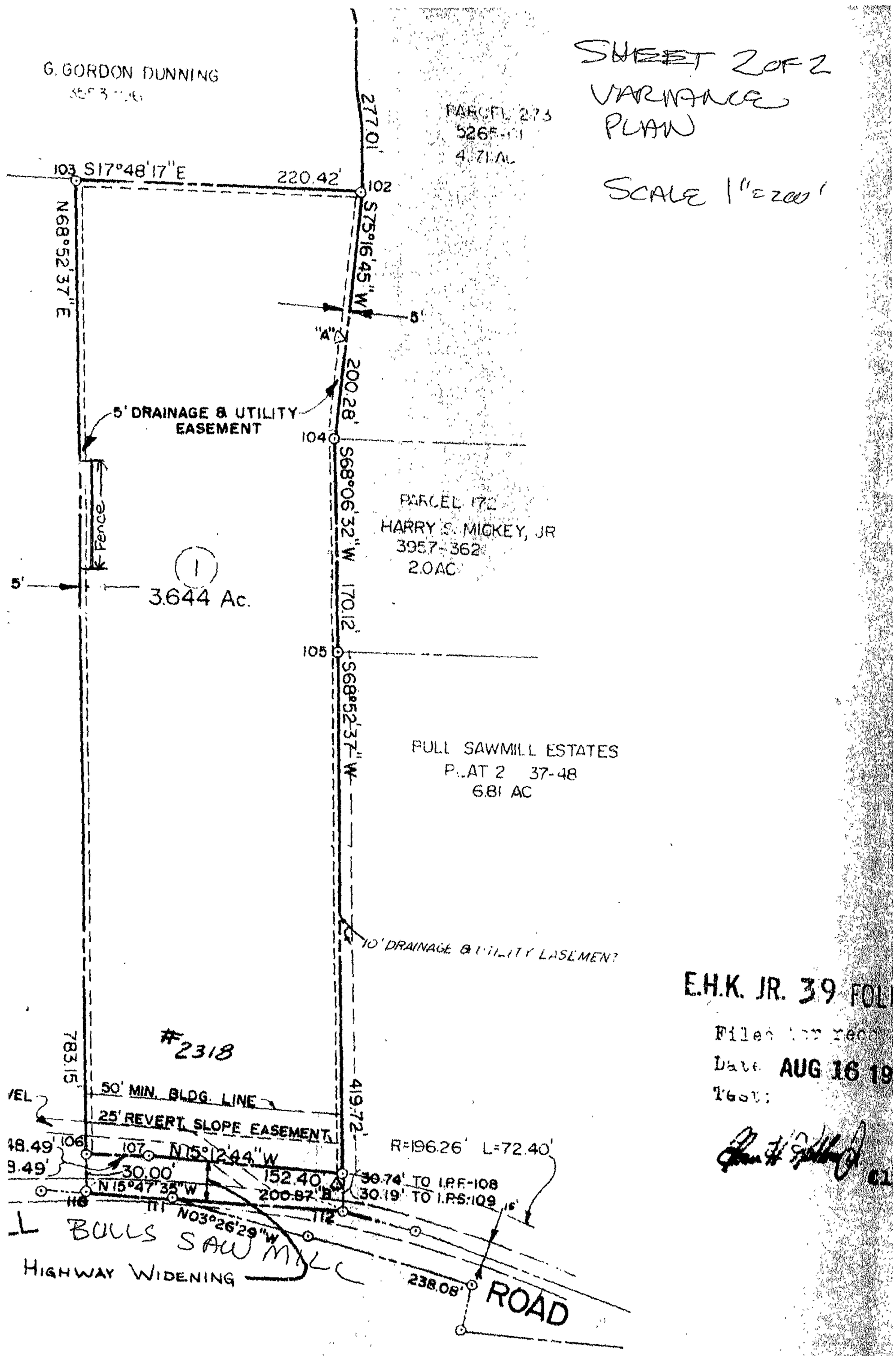
Pit 4





SHEET 2 OF 2
VARIANCE PLAN

SCALE 1" = 200'



E.H.K. JR. 39 FOL
Filed for record
Date AUG 16 19
Test:

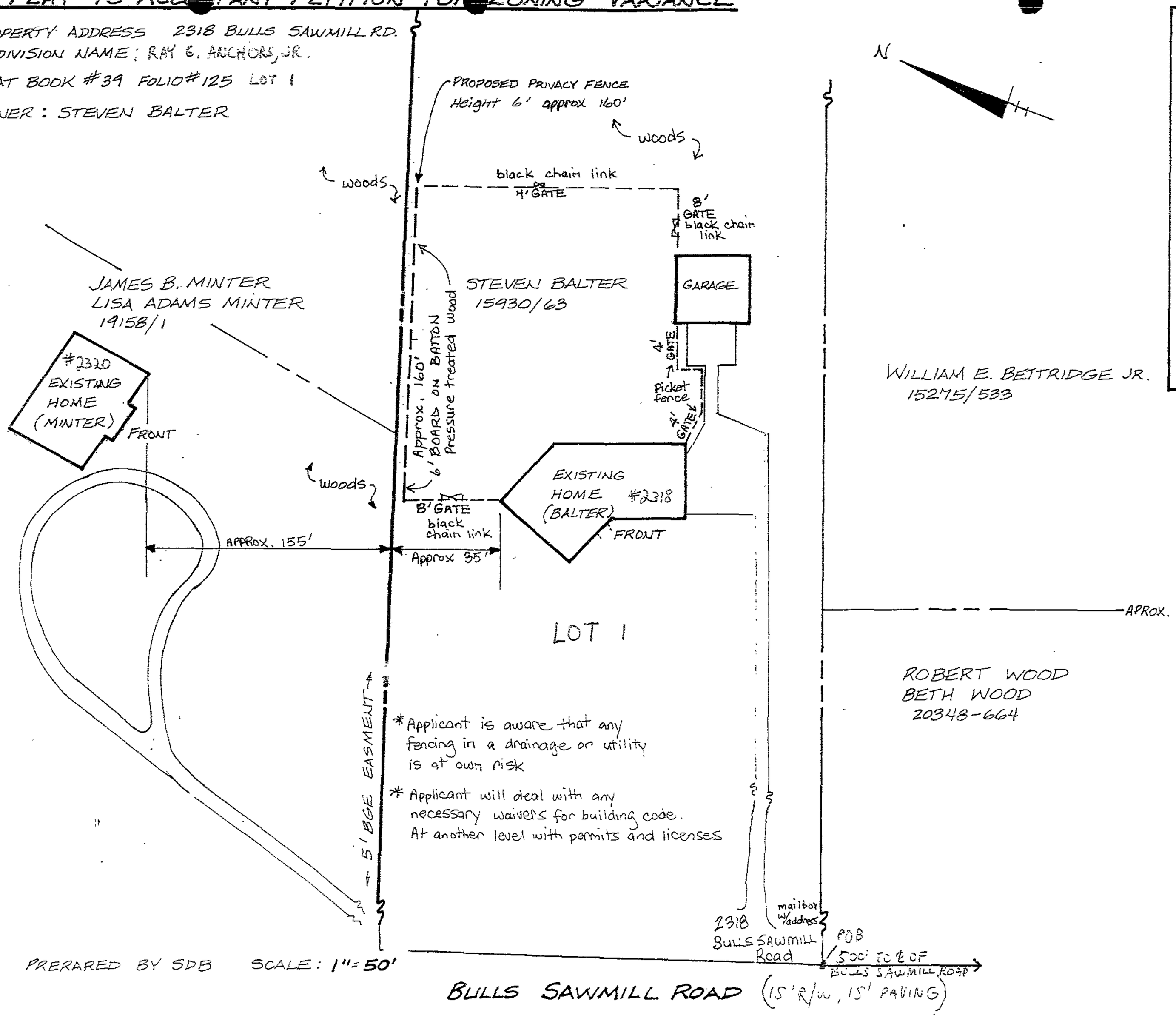
SURVEYOR'S CERTIFICATE

I, LARRY L LUCABAUGH, a Registered Land Surveyor of the State Maryland, do hereby certify that the land shown hereon has been laid and the plat thereof prepared

06-628-A

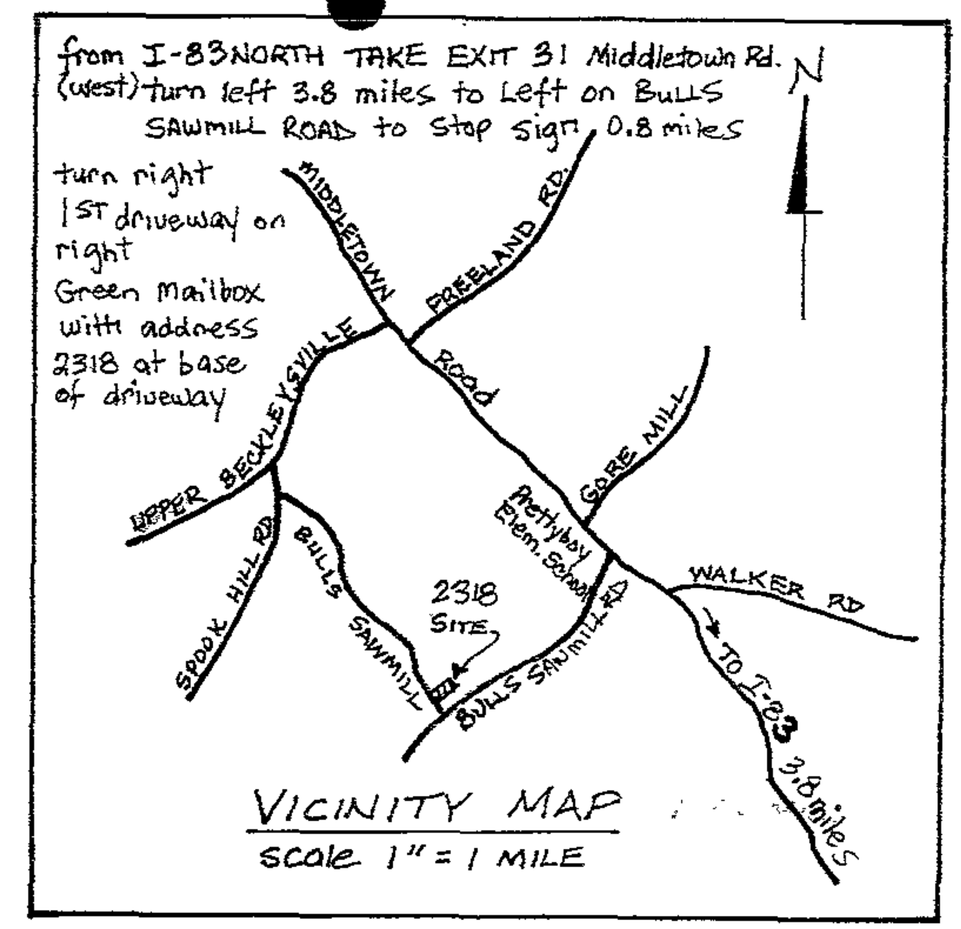
PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE

PROPERTY ADDRESS 2318 BULLS SAWMILL RD.
SUBDIVISION NAME: RAY G. ANCHORS, JR.
PLAT BOOK #39 FOLIO #125 LOT 1
OWNER: STEVEN BALTER



* Applicant is aware that any fencing in a drainage or utility is at own risk
* Applicant will deal with any necessary waivers for building code. At another level with permits and licenses

PRERARED BY SDB SCALE: 1" = 50'



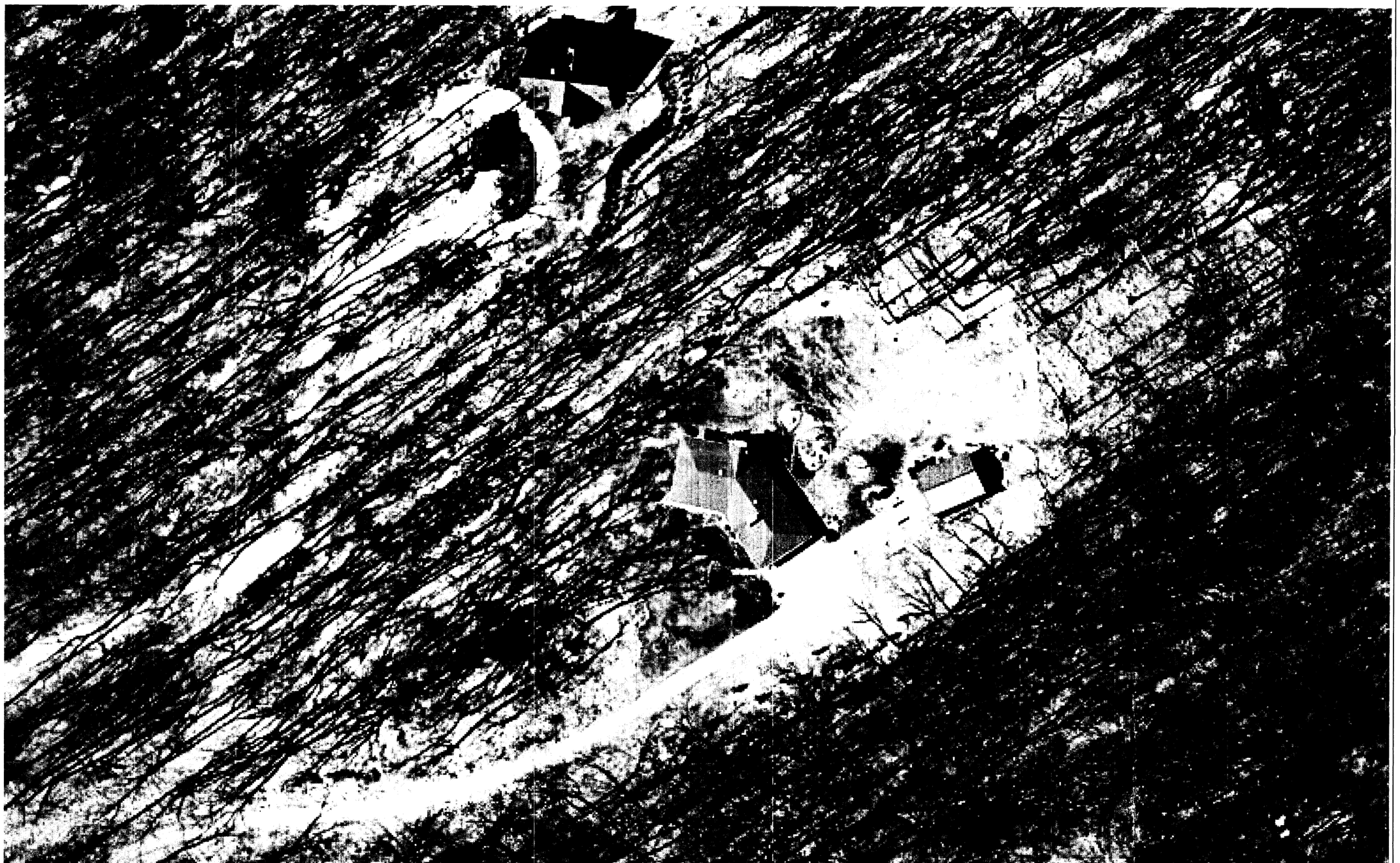
VICINITY MAP
scale 1" = 1 MILE

LOCATION INFORMATION

ELECTION DISTRICT 6
COUNCILMANIC DISTRICT 3
1" = 200' SCALE MAP # 011 B2
ZONING RC-8 (VESTED RDP)
LOT SIZE 3.64 ACRES
SEWER PRIVATE
WATER PRIVATE
NOT C.B.C.A
NOT 100 YEAR FLOOD PLAIN
NOT HISTORIC PROPERTY/BUILDING
NO PRIOR ZONING HEARINGS

06-628-A

Sheet 1 of 2 Petit



Map Produced By Baltimore County GIS Services
Date of Imagery: 2005

1 inch equals 25 feet

011B2

Pet #3

common boundary between the homes and presented photographs of the person as Petitioner's exhibit 4.

Mr. Hays supported the Petitioner's request for variance pointing out that the orientation of the Petitioner's home allows the Minters to stare into the Petitioner's home and rear yard during the day and at night when the lights are on. He indicated that a 6 foot high fence would allow the Petitioner privacy that the existing 42 inch fence can not provide.

Mr. Minter noted that the Petitioner removed many trees from his property when he purchased the house and thus caused some of his own problems.

At this point in the hearing there was a general discussion of the advantages and disadvantages of engaging the County Landscape Architect to see if further privacy could be achieved by landscaping. The Petitioner indicated that this would not be helpful as he had already spent considerable money on landscaping between the homes. He also indicated that he might not actually erect the proposed fence given his recent expenditures on the 42 inch fence and landscaping but needed permission to do so if he finds it necessary in the future.

Findings of Fact and Conclusions of Law

Several things are clear. As discussed at the hearing this is not the classic case of a house on a corner lot facing one street with a fence greater than 42 inches in the rear yard which blocks the view of the house facing the intersecting street. In the classic case high privacy fences can mean someone cannot see oncoming traffic from the house facing the intersecting street creating a true safety concern.

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